

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

**THE STATE UNIVERSITY OF
NEW YORK,**

Plaintiff,

**1:19-cv-1385
(GLS/DJS)**

v.

TRIPLE O, LLC et al.,

Defendants.

SUMMARY ORDER

Plaintiff the State University of New York (SUNY) commenced this action against defendants Triple O, LLC, James Scott, Romario McDowell, and Mandela Gadsden, alleging claims of trademark infringement, false designation of origin and palming off, dilution, and unfair competition. (Compl., Dkt. No. 1.) Each of the defendants failed to timely file answers to the complaint, resulting in the Clerk of the Court entering default against defendants on December 16, 2019. (Dkt. No. 12.) On March 11, 2020, the court granted SUNY's motion for default judgment against defendants, and ordered defendants to pay SUNY its reasonable attorneys' fees and costs in an amount to be decided at a later date. (Dkt. Nos. 20, 21.) Now pending is SUNY's unopposed motion for attorneys' fees. (Dkt. No. 23.)

SUNY seeks \$34,258.42 in attorneys' fees, and \$728.06 in costs, for a total of \$34,986.48, and submits supporting documentation. (See *generally* Dkt. No. 23.) SUNY's counsel charged a rate of \$458 per hour for work performed by a managing partner with more than thirty years of experience, a rate of \$203 for work performed by an associate attorney with approximately three years of experience, and a rate of \$160 for work performed by paralegals. (Dkt. No. 23, Attach. 1 at 2.)

"Cases in this district have found reasonable rates to generally be \$275-\$350 for experienced partners, \$165-\$200 for junior associates, and \$90 for paralegals." See *Car Freshner Corp. v. Scented Promotions, LLC*, No. 5:19-CV-1158, 2020 WL 5757475, at *8 (N.D.N.Y. Sept. 28, 2020) (citing *Johnson v. Mauro*, 16-CV-0622, 2019 WL 5842765, at *5 (N.D.N.Y. Nov. 7, 2019) (collecting cases)).

As such, the court adopts the following rates, which reflect those that have generally been found to be reasonable in this District: \$350 per hour for the experienced partner's work, and \$90 per hour for paralegal work. See *id.* (noting the "relative inflexibility of such rates in the District historically"). The rate of \$203 per hour billed for the associate will not be disturbed.

Based on the contemporaneous time records submitted by SUNY's counsel, they expended the following amounts of time for the period between May 6, 2019 and January 31, 2020: (a) 30.10 hours by the experienced partner; (b) 96 hours by the associate; and (c) 5.10 hours by paralegals. (Dkt. No. 23, Attachs. 3-4.) Applying the rates found above, the total amount of attorneys' fees for the litigation is \$30,482.

Counsel additionally seeks recovery of costs incurred for the filing fee, process server, color copies, FedEx, and postage costs, in the amount of \$728.06. (*Id.*) The court finds that these costs are generally recoverable and reasonable, and are supported by the provided documentation. *See Car Freshner Corp.*, 2020 WL 5757475, at *10.

Accordingly, it is hereby

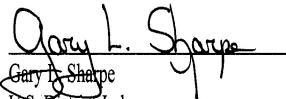
ORDERED that SUNY's motion for attorneys' fees (Dkt. No. 23) is **GRANTED**; and it is further

ORDERED that attorneys' fees in the amount of \$30,482 and costs in the amount of \$728.06 are imposed upon defendants; and it is further

ORDERED that the Clerk provide a copy of this Summary Order to the parties.

IT IS SO ORDERED.

October 22, 2020
Albany, New York



Gary L. Sharpe
U.S. District Judge